APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,834	03/12/2001	Martin Ryzl	16159.011001; P5534	9978

32615	7590	10/20/2005

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EXAMINER
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ART UNIT	PAPER NUMBER
2192	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>05 July 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u> </u> months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on <u> </u>. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: <u> </u>. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): <u> </u>.

6. ☐ Newly proposed or amended claim(s) <u> </u> would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: <u> </u>.

   Claim(s) objected to: <u> </u>.

   Claim(s) rejected: <u>1,4-10,12-16</u>.

   Claim(s) withdrawn from consideration: <u> </u>.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). <u> </u>

13. ☐ Other: <u> </u>.

Continuation of 11. does NOT place the application in condition for allowance because:

Argument, (1) Applicant argues on page 7 of his response (07/05/05), that Granade doesn't disclose "combining in a module, a plurality of developmental tools used in the creation of the application", stating that Granade cannot disclose creation of the Application as required by claim 1, because Granade is integrating an already developed application.

Response, (1) Examiner disagrees. In Granade, in section [0010], Granade specifically calls for "creating an interface to the application on the back end system", and with regards to combining in a module a plurality of developmental tools, Granade shows in section [0027] "Developers use tools in mobile tools suite 110 to create metadata and methods...", Examiner understands this to be quite similar and equivalent to Applicant's plain language of claims, with regards to the development tools.

Argument (2), Applicant also argues on page 8 of his response (07/05/05), that Granade doesn't disclose an emulator that emulates a wireless - connected device, and that the emulator in Granade emulates a backend system. Examiner believes that Granade does in fact disclose this emulator as claimed by Applicant.

Response (2), Applicant's plain language of claims in claim 1, discloses "integrating the module with an emulator, of the wireless-connected device". Granade in sections [0028-0029] discloses a mobile application platform 108, which includes a server 112 and a repository 116 to facilitate a backend system 103, which acts on behalf of mobile devices 106. And as recited in Granade, "Backend system emulator 103 is also included as part of mobile application platform 108 and is used for testing mobile application platform 108 before deploying platform 108 in a "live" setting". Claim 1 as recites "integrating the module with an emulator....", Examiner interprets the mobile platform as described to be equivalent to Applicant's plain language of claims, as the emulator described in Granade, emulates and tests the mobille device environment before it is actually functional.

Argument (3), With regards to Applicant's argument that Granade also doesn't show "using the emulator to execute the application developed...". Examiner again believes the Granade does in fact disclose this as well.

Response (3), In section [0061] Granades discloses in section [0061], that, " Once the mobile device is identified, the data and information is transformed from the intermediary language to the target language (608). Voice device adaptors 304, 306, and 308 convert the data into appropriate voice dialogs compatible with voice server 304, voiceXML 306 or other voice languages for use on the mobile device. Data adaptors 310, 312, 314, and 316 are used to convert data in the intermediary language into menus, messages, and other user-interface elements for display on mobile devices 106. Typically, abstract information about the application stored in application repository 116 is also used to create these user-interface elements for the display. Once generated, the mobile application logic and presentation instructions are executed (610)", as recited Applicant can see the entire process and actual device is emulated and executed.
Regarding Applicant's arguments in claims 4 -7,9,10,12 - 16, Applicant simply rehashes arguments which have been addressed above.

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SUPERVISORY PATENT EXAMINER